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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Bell	)	Art Unit: 3621
	)	
Serial No.: 09/448,253	)	Examiner: Sherr
	)	
Filed: November 24, 1999	)	AM9-99-0122
	)	
For: SYSTEM AND METHOD FOR AUTHORIZED	)	December 2, 2004
COMPRESSION OF DIGITIZED MUSIC	)	750 B STREET, Suite 3120
	)	San Diego, CA 92101
	)	

RESPONSE TO OFFICE ACTION

Commissioner of Patents and Trademarks  
Washington, DC 20231

Dear Sir:

In response to the Office Action dated November 17, 2004, rejecting all pending claims except 6 and 18 under 35 U.S.C. §102 as being anticipated by Cookson, USPN 6,591,365 and rejecting Claims 6 and 18 under 35 U.S.C. §103 as being obvious over Cookson in view of Moskowitz et al. USPN 5,822,432, Cookson bears a filing date after the present filing date, and accordingly is not prior art to this application. The rejections have been overcome.

Applicant notes that Cookson claims priority to a provisional patent application. The examiner has kindly faxed a copy of what evidently has passed for the provisional, namely, three handwritten pages and a single hand-drawn figure that nowhere mentions much of the relied-upon content in Cookson that allegedly teaches the present claims. By way of non-limiting example and using Claim 1 for illustration, the provisional fails to mention:

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- (1) a cryptography module including logic executable by a provider computer;
- (2) an authorized digital signature that is obtained solely by hashing the segment with a cryptographic hash function (no mention is made of the digital signature being "authorized", much less that is derived using a hash function);
- (3) the fact that in deriving the signature no user identification is used;
- (4) at the player side ("consumer module"), processing at least the segment of the music to obtain a test digital signature (no "test" digital signature is mentioned);
- (5) only if the test digital signature matches the authorized digital signature, permitting at least one of: compression of the music, and recording the music, on the consumer music player (the provisional nowhere mentions a comparison of digital signatures).

Indeed, the examiner has not attempted to explain where the relied-upon subject matter in Cookson is supported by the provisional in conformance with the requirements of 35 U.S.C. §112, first paragraph, thus failing to comply with MPEP §2136.03(III) (8<sup>th</sup> Edition, Revision 2 dated May, 2004) (an alleged prior art patent or patent publication is entitled to the filing date of an earlier-filed provisional filing date *only* "if the provisional application properly supports the subject matter relied upon to make the rejection in compliance with 35 U.S.C. §112, first paragraph").

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

1053-GRAMS

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Respectfully submitted,



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JLR:jg

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